

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

## PCT

### NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Rule 71.1)

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| To:<br><br>CARPINTERO LOPEZ, Francisco<br>Herrero & Asociados, S.L.<br>Alcalá, 35<br>E-28014 Madrid<br>ESPAGNE |
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|-------------------------------------|------------|
| Date of mailing<br>(day/month/year) | 21.03.2001 |
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| Applicant's or agent's file reference<br>99102 | <b>IMPORTANT NOTIFICATION</b> |
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| International application No.<br>PCT/ES99/00125 | International filing date (day/month/year)<br>07/05/1999 | Priority date (day/month/year)<br>07/05/1999 |
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| Applicant<br>VIDEART S.A. et al. |
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1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
  
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
  
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
  
4. **REMINDER**  
  
 The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).  
  
 Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.  
  
 For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

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| Name and mailing address of the IPEA/<br><br> European Patent Office<br>D-80298 Munich<br>Tel. +49 89 2399 - 0 Tx: 523656 epmu d<br>Fax: +49 89 2399 - 4465 | Authorized officer<br><br>Berger, K<br><br>Tel. +49 89 2399-2576 |  |
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# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference<br>99102   | <b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) |  |
| International application No.<br>PCT/ES99/00125  | International filing date (day/month/year)<br>07/05/1999  | Priority date (day/month/year)<br>07/05/1999 |
| International Patent Classification (IPC) or national classification and IPC<br>B65D5/32 |   |  |
| Applicant<br>VIDECART S.A. et al.  |   |  |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 5 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

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|---|--|
| Date of submission of the demand<br><br>05/12/2000  | Date of completion of this report<br><br>21.03.2001  |
| Name and mailing address of the international preliminary examining authority:<br><br> European Patent Office<br>D-80298 Munich<br>Tel. +49 89 2399 - 0 Tx: 523656 epmu d<br>Fax: +49 89 2399 - 4465 | Authorized officer<br><br>Cazacu, C<br><br>Telephone No. +49 89 2399 2645<br> |

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/ES99/00125

## I. Basis of the report

1. This report has been drawn on the basis of *(substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments (Rules 70.16 and 70.17).):*

### Description, pages:

1-12 as originally filed

### Claims, No.:

1-5 as originally filed

### Drawings, sheets:

1-6 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

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☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

|                               |      |        |     |
|-------------------------------|------|--------|-----|
| Novelty (N)                   | Yes: | Claims | 1-5 |
|                               | No:  | Claims |     |
| Inventive step (IS)           | Yes: | Claims | 1-5 |
|                               | No:  | Claims |     |
| Industrial applicability (IA) | Yes: | Claims | 1-5 |
|                               | No:  | Claims |     |

2. Citations and explanations  
**see separate sheet**

## VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:  
**see separate sheet**

V.

Document WO 98 25830, which draws priority from the Spanish document ES-A-2 138 510 (application number P 9602617 published on 01.01.2000) cited in the description and is considered to represent the most relevant state of the art, discloses (cf. Figs. 1, 2) a stackable tray from which the subject-matter of claim 1 differs by the features of the characterising portion of claim 1, i.e., by having a particular form of reinforcements and double trapezoidal ridges fitting into bottom openings.

None of the other documents cited in the International Search Report, alone or in any relevant combination thereof, discloses the features in the characterising part of claim 1. The matter of reducing the surface occupied by the triangular corner posts (reinforcements) is not addressed in any of the documents of the prior art at hand. For example, in document EP-A-0 573 381 (Figs. 29, 30) there are end extensions of end pieces but they are not folded in the manner disclosed in the characterising portion of claim 1, and the manner of attaching them to the bottom is by gluing (see Fig. 28, gluing to extension portion of the bottom comprised between lines 13 and 15).

Consequently, the subject-matter of claim 1 is not disclosed by any prior art document taken alone or in any relevant combination with other prior art document and appears to meet the requirements of Article 33 (2) and (3) PCT.

Further, the invention claimed in claims 1-5 is industrially applicable in the sense of Article 33 (4) PCT.

VIII.

1. The term "rectangular" in the description (page 3, line 3) appears to be the wrong term, the reinforcement disclosed in document ES-A-2 138 510 being triangular.

2. In claim 1, consecutive sectors are defined, which later are distinguished between by means of reference numerals. This renders the claim unclear, since claims should be clearly understandable also without the use of reference numerals which serve only to facilitate quicker understanding of the claims. Therefore, the expression "consecutive sectors (8), (9), (10), (11) and (12)" has been construed as "first, second, third, fourth

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EXAMINATION REPORT - SEPARATE SHEET**

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and fifth consecutive sections (8, 9, 10, 11, 12)" with the respective adaption of the references to this first formulation.

3. In claim 2, the formulation "may extend" (line 8) has been interpreted as "extends", the claims referring to a tray not to a blank to be assembled into a tray.

4. The subject-matter of claim 4 refers rather to a method of assembling a tray from a cardboard sheet than to the tray per se.